



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 087934,396 | 09/19/97 | ARAKI | 046849 |

IM11/0205
SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20037-3202

| EXAMINER |
|------------|
| ZITOMER, F |

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1713 | |

DATE MAILED: 02/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/934,396

Applicant(s)
Araki et al.

Examiner
Fred Zitomer

Group Art Unit
1713



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-15 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1713

1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamauchi et al., US 5,788,786, taken with Thurn et al., US 3,873,489.

Yamauchi teaches preparing pneumatic tires from closed cell rubber compositions comprising the present diene rubbers, silica, carbon black and amounts thereof [Abstract; column 2, lines 55-57; column 3, line 47- column 5, line 25; column 6, line 55 - column 7, line 11]. Silane coupling agents within present Formula (1), in equivalent amounts to the instant coupling agents, are disclosed [column 5, line 26 - column 6, line 4]. Thurn teaches rubber compositions useful for preparing tires [column 8, lines 4-9] comprising the claimed rubbers [column 7, lines 10-29], silica [column 4, line 46 - column 5, line 44] and carbon black [column 1, lines 18-27; claim 28]. The present silane coupling agents and amounts thereof wherein present component "y" is 3 or 4 (i.e. component "n" of the reference) are disclosed, claimed and preferred [column 2, line 26 - column 3, line 40; claims 1 and 27; column 2, line 67]. The disclosed silanes are advantageous in their use and for affording outstanding properties [column 2, lines 26-42]. Yamauchi differs from the claimed invention by preferring tetrasulfide silane coupling agents and the like, i.e. compounds wherein component "y" of present Formula (1) is 4 [column 5, lines 52-55]. It would have been

Art Unit: 1713

obvious to prepare the compositions of Yamauchi with silane coupling agents containing a preponderance of trisulfide groups in the expectation of realizing enhancements in processing and properties because Thurn teaches the embodiment for the same class of compositions disclosed by Yamauchi.

2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Zitomer whose telephone number is (703) 308-2461. The examiner can normally be reached Monday through Friday from 7:30 AM to 4 PM.

In an emergency, if attempts to reach the examiner by telephone are unsuccessful, Jeffrey T. Smith can be reached at (703) 308-4345. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.


FRED ZITOMER
PRIMARY EXAMINER
GROUP 1500
1760

Zitomer/fz
January 31, 1999